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BANGALORE, THURSDAY, APRIL 13, 1922.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. R. 5159—Ex. 6-21-23, dated 4th April 1922.

OPIMUM RULES.

In exercise of the powers conferred by Sections 5 and 13 of the Opium Act, 1 of 1878, the Government of His Highness the Maharaja of Mysore are pleased to make the following rules in supersession of all previous rules on the subject. These rules shall apply to the whole of the Mysore State.

INTERPRETATION.

In these rules, unless there be something repugnant in the subject or context:

- (1) "Government" means the Government of His Highness the Maharaja of Mysore.
- (2) "Excise Commissioner" means the Excise Commissioner in Mysore.
- (3) "Deputy Commissioner" means the Chief Officer in charge of the revenue administration of a district for the time being, and includes any officer specially authorised by the Government to exercise all or any of the powers of a Deputy Commissioner under these rules.
- (4) "Raw Opium" means the spontaneously coagulated juice obtained from the capsules of the *papaver somniferum*, which has only been submitted to the necessary manipulations for packing and transport, and also included capsules from which the juice has not been extracted.
- (5) "Prepared opium" means the product of raw opium obtained by a series of special operations, specially, by dissolving, boiling, roasting and fermentation, designed to transform it into an extract suitable for smoking and includes *madak* and *chandu* and also dross and all other residues remaining when opium has been smoked.

(6) "Admixture of opium" means preparations, admixtures or derivatives of raw opium not being prepared opium medical opium, morphine or heroine.

(7) "Licensed Druggist" means a person who has obtained from the Deputy Commissioner a license for the sale for medicinal purposes only of raw opium and admixtures of opium.

(8) "Licensed vendor" means a person who has obtained from the Deputy Commissioner a license for the retail vend only of opium or of admixture of opium.

(9) "Poppy-heads" means the heads or capsules of the poppy plant which have been lanced and dried or from which the juice has been extracted.

(10) "Seer" means a weight of 80 tolas.

(11) "Tola" means a weight of 180 grains (troy).

MANUFACTURE.

II. (1) *By any person.*—Any person may manufacture for his private consumption from raw opium lawfully in his possession under Rule III admixture of opium not exceeding one tola, or prepared opium not exceeding half a tola.

(2) *By licensed vendor.*—A licensed vendor may manufacture any quantity of admixtures of raw opium from raw opium lawfully in his possession as such licensed vendor.

(3) *By licensed druggist.*—A licensed druggist may manufacture at his licensed premises from raw opium lawfully in his possession admixtures of opium intended for medicinal purposes only.

POSSESSION.

(1) *By any person.*—Any person may have in his possession any quantity not exceeding one tola of raw opium or admixtures of opium provided that the same has been:—

(i) lawfully imported by him under Rule XIII, (ii) lawfully purchased from a licensed vendor, or (iii) lawfully manufactured from opium so imported or purchased.

(2) *By any person of prepared opium.*—Any person may possess any quantity of prepared opium not exceeding half a tola provided that the same has been (i) lawfully imported by him under Rule XIII, (ii) manufactured by him from raw opium lawfully possessed by him under Rule III provided

(a) that no person holding a license for any dealings in opium shall possess prepared opium on the premises covered by his license.

(b) that no assemblage of two or more persons shall have in their joint possession any quantity of prepared opium exceeding double that fixed as the limit of private possession as above.

TRANSPORT.

IV. *By licensed vendor.*—A licensed vendor may possess at the premises covered by his license or in direct transit thereto from places from which he has lawfully obtained it any quantity of raw opium lawfully obtained by him in the manner prescribed by the rules and any quantity of admixtures of raw opium lawfully manufactured by him from raw opium so obtained.

V. *By licensed druggist.*—A licensed druggist may possess at the premises covered by his license or in direct transit thereto from places from which he has lawfully obtained it not more than one seer in the aggregate of raw opium and admixtures of opium lawfully obtained by him in the manner prescribed by the rules or manufactured from raw opium so obtained.

VI. The transport opium and admixtures of opium by licensed vendors and licensed druggists is permitted under the following Rules VII to XI.

VII. Opium transported from any Government Treasury shall be covered by a pass granted by the officer in charge.

VIII. A copy of every pass granted under Rule VII shall be sent to the Excise Inspector of the Range to which the consignment is to be transported.

IX. Transport from one shop to another of opium or admixtures of opium may be permitted under the special orders of the Deputy Commissioner of the District in which both the shops are situated.

Every pass issued under Rules VII and IX shall be retained in the shop of the licensed vendor or licensed druggist to which the consignment is made.

XI. Any Revenue Officer not inferior in rank to a Sheikdar, any Excise Officer not inferior in rank to a Sub-Inspector or any Police Officer not inferior in rank to a Sub-Inspector may, at any time, examine any consignment of opium or admixtures of opium in transit. If after such examination the officer finds that the quantity of opium or admixture of opium transported corresponds with the quantity specified in the pass, the consignment shall be allowed to proceed. Otherwise the consignment shall be retained pending the orders of the Deputy Commissioner who may charge in respect of any excess or deficiency double the rates payable under Rule XVI for opium supplied from the treasury and may also, on proof of mal-practice, withdraw the licensed vendor's, or druggist's license and otherwise deal with him as provided in the Opium Act, 1878.

XII. Opium required for use in the State is obtained either from the Opium Agent at Indore or from the Government of Madras on payment of the cost thereof. The price charged to the State is liable to variation from time to time.

XIII. Any person entering the State may import in his personal possession raw opium or admixtures of opium in quantities not exceeding one tola and prepared opium not exceeding half a tola, provided that the same has been lawfully purchased or in the case of admixtures of opium or prepared opium, lawfully manufactured by him in the Province, State or other area from which it is imported.

XIV. Any person may transport and export in his personal possession when leaving the State, in quantities not exceeding one tola of raw opium and admixtures of opium not exceeding half a tola of prepared opium lawfully in his possession under Rule III (1).

XV. Rules VI to XIV regarding transport and import and export shall not be understood to permit the transmission of opium or admixtures of opium or prepared opium by post.

XVI. Raw opium will be supplied on payment of the issue price at such rates as the Government may, from time to time, prescribe by notification in the Gazette, at any Taluk or District Treasury in entire cakes of 20 or 40 tolas more or less to any licensed vendor or to any licensed druggist.

XVII. Opium or admixture of opium may be retailed under license from the Deputy Commissioner and in accordance with the conditions specified in the license.

XVIII. (1) Retail sale. A licensed vendor may sell by retail to any person raw opium or admixtures of opium to the extent of one tola lawfully in his possession.

(2) A licensed vendor may sell (a) to a druggist licensed in pursuance of the next following rule for the sale for medicinal purposes of raw opium and its admixtures or (b) to the person in charge of a medical or veterinary institution especially admitted by the Excise Commissioner in pursuance of the notification authorizing him to grant such admission, to the benefit of the exemption from the operation of the provisions of the act and the rules made thereunder regarding the manufacture, possession and sale for medicinal purposes of raw opium and its admixtures provided by the said notification for such institutions.

Raw opium in quantities not exceeding one seer at a time, or such larger quantity as such licensed druggist or person is authorized by special order endorsed on his license or order of exemption to possess at one time.

Provided that it shall be the duty of every licensed vendor effecting such sale:

- to obtain from the purchaser and to retain an acknowledgment in such form as may be prescribed in this behalf for the quantity purchased;
- to satisfy himself by inspection of the druggist's license or of the order of exemption, if necessary, that the purchaser is a licensed druggist or a person in charge of such an institution as aforesaid;
- in the case of a sale to a licensed druggist, to satisfy himself that particulars of the purchase are entered in the space provided for that purpose in the druggist's license, and to sign the entry if he be literate.

XIX. A licensed druggist may sell at the premises covered by his license, raw opium and admixtures of opium for medicinal purposes only, provided that the quantity of raw opium and admixtures of opium sold to any one person on one day shall not exceed in the aggregate the limit of private possession (as prescribed in Rule III (1)).

XX. The Government may from time to time fix the prices or fix the maximum and minimum prices at which opium or admixture of opium may be retailed in any particular locality.

LICENSE.

XXI. License may be granted by the Deputy Commissioner—

(1) for the retail vend of opium or for the manufacture and retail vend of admixture of opium, either jointly or severally;

(2) for the retail vend of opium or for the manufacture and retail vend of admixtures of opium by licensed druggists for medicinal purposes only.

At the commencement of each year, the monopoly of vend at shops for the retail vend of opium or admixtures of opium or both shall be put up to auction, and may in special cases be granted on tender or for fixed fees as the Government may order.

XXII. The Deputy Commissioner may cancel or suspend a license or pass granted under the Opium Act or under these rules:—

(a) if any fee or duty payable by the holder thereof be not duly paid; or

(b) in the event of any breach by the holder of such license or pass, or by his servant or by any one acting with his express or implied permission on his behalf or any of the terms or conditions of such license or pass; or

(c) if the holder thereof is convicted of any offence against the Opium Act or any other law for the time being in force relating to the excise revenue, or of a breach of the peace or of any other criminal offence; or

(d) if the conditions of the license or pass provide for such cancellation or suspension at the will of the Deputy Commissioner.

XXIII. (1) Composition.—The Deputy Commissioner may accept from any person whose license is liable to be cancelled under Rule XXII, *supra* payment of a sum of money not exceeding Rs. 200 in lieu of such cancellation.

(2) When the payment referred to in Sub-rule (1) has been duly made, no further proceedings shall be taken against such person in respect of the acts or omissions on account of which the license is (then) liable to cancellation.

XXIV. (1) If any licensed vendor has in his possession on the expiry, cancellation or forfeiture of his license any opium or admixtures of opium which he is unable to dispose of to the satisfaction of the Deputy Commissioner by private sale to other licensed vendors, he shall surrender the same to the Deputy Commissioner and the incoming licensed vendor or, if the expired or cancelled or forfeited license is not renewed, any licensed vendor within the district, when required by the Deputy Commissioner, shall be bound to purchase the articles aforesaid to the extent of two months' supply at such price and in such quantities as the Deputy Commissioner shall adjudge, provided that the price of opium thus adjudged shall in no case exceed the rate at which it can be procured from the Government, provided also that, if such articles be declared by the Civil Surgeon or the Excise Commissioner to be unfit for use, the Deputy Commissioner shall cause them to be destroyed.

(2) In cases in which a license is suspended, the licensee shall surrender the stock in his possession to the Deputy Commissioner, to be returned to him or disposed of as provided in the case of expired or cancelled licenses according as the suspended license is afterwards restored or cancelled.

DISPOSAL OF THINGS CONFISCATED.

XXV. (i) Opium confiscated under the Opium Act, 1878, shall be forwarded to the Chemical Examiner to Government for examination and if declared by him to be fit for use shall be sent to the Treasury. If declared to be unfit for use, it shall be immediately destroyed.

(ii) Admixtures of opium confiscated under the said Act shall be immediately destroyed.

REWARDS.

XXVI. Any Magistrate convicting an offender under section 9, or any Magistrate or authorized officer ordering the confiscation of opium or any preparation or admixture of opium or intoxicating drug prepared from the poppy under section 12, of the Opium Act, 1878, may grant a reward, not exceeding the value of the article or articles confiscated plus the amount of any fine realized, in such proportions as he may think fit, to any person or persons who have contributed to the seizure of the article or articles or the conviction of the offender.

XXVII. If in any case the fine or forfeiture is not realized, the Deputy Commissioner may sanction such reasonable reward not exceeding the amount of the fine and forfeiture as may seem appropriate. The Government may also by general order declare what classes of Excise Officers shall receive rewards, and what classes shall have no title to share therein.

POWERS OF THE EXCISE COMMISSIONER.

XXVIII. The Excise Commissioner may, in any special case, sanction the grant of a departmental reward not exceeding Rs. 50, and recommended to Government, the grants of special rewards exceeding Rs. 50.

POPPY HEADS.

XXIX. Poppy heads may be possessed, transported, sold, imported and exported to any person without restriction.

MISCELLANEOUS.

XXX. The Excise Commissioner may consistently with the provisions of the Opium Act, 1878, and of these rules, determine from time to time as he shall see fit, in cases of licenses and passes granted.

(a) the fees to be charged for such licenses or passes and the period for which they shall be issued.

(b) the restrictions and conditions under which and the forms in which such licenses and passes shall be granted; and

(c) the particulars which such licenses and passes shall contain.

All forms prescribed and subsidiary rules made by the Excise Commissioner under the above rules shall be published in the *Mysore Gazette*.

EXEMPTIONS.

XXXI. The following are exempted from the operations of the above rule:

(i) Raw opium, admixture of opium and prepared opium in direct transit through the State to or from British India or a British administered area in accordance with the law in force in British India or in such area.

(ii) the import, export, transport, manufacture, possession and sale on State account of raw opium and its admixtures, provided that this exemption shall not be deemed to authorize the import or export of raw opium and its admixtures unless the regulations and rules for the time being in force at the place of origin or of destination and in the Territories (if any) through which the raw opium or its admixtures will pass in transit have been complied with.

(iii) the transport, manufacture, possession and sale for medicinal purposes only of raw opium and its admixtures by such State charitable or other medical and Veterinary Institutions as may be admitted by the order in writing of the Excise Commissioner to the benefit of this exemption provided that every institution so admitted shall be deemed to be a licensed druggist as defined in these rules and shall comply with the rules applicable to licensed druggists and with the conditions contained in the form of the license prescribed by the Excise Commissioner for licensed druggists, but shall not be required to pay a license fee.

(iv) the preparations containing intoxicating drugs entered in the annexed schedule, provided

(a) that their import by sea shall be permitted only by means other than of the post; and

(b) that the preparations mentioned in Schedule III shall be labelled in each case with the maker's name and that this exemption shall not extend to such preparations manufactured by any maker or firm, whose produce may be declared by the Government to be excluded from the scope of this exemption.

SCHEDULE I.

- Preparations containing Morphine or Heroin.*
1. Anodyne Pine Expectoant
 2. Apocodena Hydrochloridum
 3. Apomorphine and its salts and preparations
 4. Astringent wash, compressed tablets for containing 1/32 grain of morphia acetate (Parke Davis & Co.)
 5. Beecham's cough pills
 6. Boerhaav's Odontalgic Essence
 7. Camphoradine
 8. Cereoli Iodoformit morphinae
 9. Chloroform Anadyne, containing grains of morphia hydrochlor per fluid ounce (Parke Davis & Co.)
 10. Chlorodyne (Liquor Chloroformi Composita.)
 11. Chronic Dysentery Mixture (Dr. Duarte's)
 12. Codeine or Codeina and its salts and preparations
 13. Elixir Pini-Compositum
 14. Glycerinum Heroini Compositum
 15. Glycerinum acetomorphinae
 16. Haustus Apomorphinae Compositus
 17. Insufflatio Bismuthiet Morphinae
 18. Kay's Linseed Compound
 19. Keatings's Pectoral or Cough Lozenges
 20. Le Haurier's Odontalgic Essence
 21. Mistura Apomorphinae et Terebenti
 22. Mistura Bismuthi Compositum Morphia
 23. Mistura Chloroformi Composita
 24. Mistura Salina Anodyna
 25. Morphia and Ipecacuanha lozenges
 26. Oreamorphina
 27. Perodin or Benzoyl Morphine Hydrochloride
 28. Powell's Balsam of Aniseed
 29. Pulvis Morphinae Compositus
 30. Suppositoria Morphinae
 31. Syrup Pici, Liqueum Apomorphinae containing 2 grain Apomorphina per fluid ounce (Ferris & Co.)
 32. Syrupus Apomorphinae
 33. Tabellae Apomorphinae
 34. Tabloid Hypodermic Ergotin et Morphinae
 35. Tinctura Chloroformi et Morphinae Composita
 36. Urethral Injection (Dr. Duarte's)

SCHEDULE II.

- Preparations containing opium not being morphine or Heroin.*
1. Anarcotine or Narcotine and its derivatives
 2. Anti-Emesis Mixture (Dr. Duarte's)
 3. Barsh
 4. Bow's Liniment
 5. Brompton's Consumption and Cough Specific
 6. Cereoli Acidi Tannici et Opii
 7. Chamberlain's Colic Remedy
 8. Codamine
 9. Cotarnina
 10. Cotarnina Hydrochloridum or Stypticin
 11. Cotarninae Phthalas Stoptol
 12. Cough Mixture (Dr. Duarte's)
 13. Cryptopine
 14. Decoctum Papaveris
 15. Dover's Powder (pulvis Ipecacuanhae Compositus)
 16. Elixir Pepsine et Bismuthi Comp.
 17. Emplastrum Opii
 18. Enema Opi
 19. Ethyl Narcein Hydrochloride or Naroyl
 20. Ferris's Mistura Bismuthi Composita Aromatica
 21. Gnoscopine
 22. Hewlett's Mistura Pepsinae Composita cum Bismutho
 23. Hydrocotarinine
 24. Lanthoptine
 25. Linctus opiatu
 26. Linimentum opii
 27. Linimentum opii ammoniatum
 28. Lotic plumbi opio
 29. Meconiasine
 30. Meconidine
 31. Meconiperiodidum
 32. Meconimelide
 33. Mercarie chloride with potassium iodide compressed tablets No. 45 containing one-tenth grain of powdered opium (Parke Davis and Co.)
 34. Mistura Bismuthi Composita Aromatica, vel Liqueum Ferris
 35. Mistura cretae composita
 36. Mistura papeinae composita cum Bismutho (Hewlett's)
 37. Mistura Pepsine cum Bismutho (Huxley's)
 38. Mistura scillae composita
 39. Mistura scillae et opii
 40. Narceina or Narceine
 41. Narcotine or Anarcotine and its derivatives
 42. Narcoyl or Ethyl Narcein hydrochloride
 43. Nepenthe and its preparations
 44. Opium wool
 45. Papaverine
 46. Pargorix Elixir or Tinctura Camphorae Composita
 47. Pilula Digitaliset opie Composita
 48. Pilula hydrargyri cum opio
 49. Pilula hydrargyri cum Creta et Opio
 50. Pilula Ipecacuanhae cum Acilla
 51. Pilula Plumbi cum opio
 52. Pilula Saponis Composita
 53. Pilulae Ipecacuanhae cum urguinea
 54. Porphyroxin
 55. Protopina
 56. Pulvis Cretae Aromaticus cum opio

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| 57. Pulvis Ipecacuanhae Compositus, or
Dover's powder, | 72. Tabletti Plumbi cum opio |
| 58. Pulvis Ipecacuanhae cum Scilla. | 73. Thebaine |
| 59. Pulvis Kino Compositus. | 74. Tinctura Antiperiodica |
| 60. Pulvis opii compositus. | 75. Tinctura Camphorae Composita or Pare-
goric Elixir. |
| 61. Pulvis plumbi cum opio | 76. Tinctura Opii Ammoniacata |
| 62. Rhocadine | 77. Tinctura Opii benzoica |
| 63. Sanative Pills, Jayne's | 78. Tinctura Opii Crocata |
| 64. Sedative lotion (Dr. Duate's) | 79. Tinctura Opii Deodorata |
| 65. Solubus plumbi et opii | 80. Tritopine |
| 66. St. Jacob's oil | 81. Unguentum Callas cum Opio |
| 67. Stypticin, or Cotarninae, Hydrochoridum | 82. Unguentum Myrabolan cum Opio |
| 68. Styptol, or Cotarninae Phthalas | 83. Unguentum Opii |
| 69. Suppositoria plumbi, Composita | 84. Winslow's Soothing Syrup |
| 70. Syrupus Camphorae Compositus | 85. Xanthaline |
| 71. Tabellae Samponis Compositor | |

SCHEDULE III.

Preparations containing cocaine.

1. Mist Hepatica compound
2. Pigment Cocaine and Hydarg Perchloride
3. Ampoules containing not more than 1/3 grain of cocaine each in admixture with Adronalin Homisine or Epinine.
4. Coca cordeial
5. Elixir damiana compound
6. Ixiama and other similar palatable preparations.
7. Cola Compound
8. Cola Cordial
9. Tonic coca wines
10. Cocaine hypodermic and other table.
- (a) Homatropine and Cocaine
- (b) Atropine and cocaine
- (c) Pilocarpine and cocaine
- (d) Aromatic throat tablets containing menthol, myrrh, Kremeria and Cocaine one-thirty second grain.
- (e) Aseptoids, Dr. Macnaughton Jones, each containing one-sixteenth grain of Cocaine hydrochloride.
11. Ointments containing Cocine or other derivatives of coca in admixture with other drugs and rendered nauseous to the taste.
12. Ophthalmic tablets containing not more than one twentieth grain of Cocaine hydrochloride in each tablet.
13. Other preparations containing cocaine or other derivatives of coca in admixture with other drugs containing in the aggregate not more than such quantity of cocaine hydrochloride or other derivative of coca per tablet, trochiscum, pastile, soluble sterule, enule, lamelle or fluid drachm or so, blended as to render it impossible for any such preparation to be taken for the effects of cocaine or any other derivative of coco alone.

Note. This rule should not be understood to permit the import of the articles specified in it by post from foreign countries, which has been absolutely prohibited by the Government of India Notification No. 720-79, dated 4th February 1911.

By Order,

A. V. RAMANATHAN,
Secretary to Government,
Revenue Department (in charge).